

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF ILLINOIS

SAROYA ROBERSON, CHRISTA HAMMOND,  
TONIKA SMITH, DAPHNE WILLIAMS,  
IDELLA HILL, OLABISI BODUNDE,  
VICTORIA BREWER, ALYSSA BENDERSKY,  
FELECIA WILLIAMS, AT[T]LA DUPREE, and  
JAMEEA BOYKIN, individually, and on behalf of  
all others similarly situated,

Plaintiffs,

v.

MAESTRO CONSULTING SERVICES LLC,  
INDIVIDUALLY AND D/B/A SYMPHONY  
POST ACUTE NETWORK; SYMPHONY  
SYCAMORE LLC; SYMPHONY  
HEALTHCARE LLC; SYMPHONY M.L. LLC;  
SYMPHONY MONARCH HOLDINGS, LLC;  
SYMPHONY HMG, LLC, SYMPHONY  
CRESTWOOD, LLC, SYMPHONY  
DEERBROOK, LLC, SYMPHONY  
COUNTRYSIDE, LLC, SYMPHONY  
BEVERLY, LLC, SYMPHONYBRONZEVILLE  
PARK, LLC, SYMCARE HMG, LLC,  
SYMPHONY JACKSON SQUARE, LLC,  
SYMPHONY OF EVANSTON HEALTHCARE,  
LLC, SYMPHONY LINCOLN PARK, LLC,  
SYMPHONY MIDWAY, LLC, SYMPHONY  
PARK SOUTH, LLC, SYMPHONY SOUTH  
SHORE, LLC, MONROE CORP., CALIFORNIA  
GARDENS CORP.; SYMPHONY OF  
CALIFORNIA GARDENS, LLC; and DOE  
DEFENDANTS 1-100,

Defendants.

Case No. 3:20-cv-00895

**DEFENDANTS' COMBINED RULE 12(b)(1) AND RULE 12(b)(6)**  
**MOTION TO DISMISS**

Defendants Maestro Consulting Services LLC, Symphony Sycamore LLC, Symphony  
Healthcare LLC, Symphony M.L. LLC, Symphony HMG, LLC, Symphony Crestwood, LLC,

Symphony Deerbrook, LLC, Symphony Countryside, LLC, Symphony Beverly, LLC, Symphony Bronzeville Park, LLC, Symcare HMG, LLC, Symphony Jackson Square, LLC, Symphony of Evanston Healthcare, LLC, Symphony Lincoln Park, LLC, Symphony Midway, LLC, Symphony Park South, LLC, Symphony South Shore, LLC, Monroe Corporation, California Gardens Corporation, and Symphony of California Gardens, LLC (collectively, the “Defendants”) hereby request dismissal of the Amended Complaint on the follows grounds:

1. Defendants seek dismissal of certain Plaintiffs’ claims under Rule 12(b)(1)—specifically, the claims of Christa Hammond, Tonika Smith, Daphne Williams, Idella Hill, Victoria Brewer, Alyssa Bendersky, Felecia Williams, Attla Dupree, and Jameea Boykin—because they are preempted by the LMRA. (*See* Defs.’ Br., Argument Section I)

2. Defendants seek dismissal of the Consenting Plaintiffs’ claims under Rule 12(b)(6)—specifically, the claims of Tonika Smith, Daphne Williams, Olabisi Bondunde, Victoria Brewer, and Alyssa Bendersky—because each signed a valid BIPA consent form—which is central to their claim—establishing that they cannot maintain a BIPA claim. (*See* Defs.’ Br., Argument Section II)

3. Defendants seek dismissal of all Plaintiffs’ claims under Rule 12(b)(b) because the Complaint contravenes Rule 8 by impermissibly lumping all Defendants together as to virtually all substantive allegations and otherwise fails to allege what each particular Defendant did to allegedly sustain liability as to each Plaintiff. (*See* Defs.’ Br., Argument Section III).

4. Defendants seek dismissal of all Plaintiffs because their claims for statutory damages are barred by the exclusivity provisions of the Illinois Workers’ Compensation Act. (*See* Defs.’ Br., Argument Section IV).

\* \* \*

WHEREFORE, Defendants request, for the reasons set forth more fully in their accompanying memorandum, the the Court enter an Order dismissing Plaintiffs' claims on the bases asserted above.

DATED: September 23, 2020

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Joseph A. Donado

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***Attorneys for Defendants***

**CERTIFICATE OF SERVICE**

I, Joseph A. Donado, an attorney, do hereby certify that I have caused a true and correct copy of the foregoing **DEFENDANTS' COMBINED RULE 12(B)(1) AND RULE 12(B)(6) MOTION TO DISMISS**, to be served upon all counsel of record through the Court's electronic notification system:

/s/ Joseph A. Donado